

Barat M. LaPorte, ABA#9511064  
Oles Morrison Rinker & Baker LLP  
601 West Fifth Avenue, Suite 900  
Anchorage, Alaska 99501-2154  
Tel: (907) 258-0106  
Fax: (907) 258-5519  
Email: [laporte@oles.com](mailto:laporte@oles.com)

*Attorneys for Defendants XTO Energy Inc. and Scott Griffith*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

PATHFINDER AVIATION, INC.,

Case No. 3:15-cv-00200-HRH

Plaintiff,

v.

XTO ENERGY INC. and  
SCOTT GRIFFITH,

Defendants.

**DEFENDANTS' MOTION  
TO DISMISS CLAIMS  
FOR NEGLIGENT  
MISREPRESENTATION AND  
VIOLATION OF THE UTPA  
PURSUANT TO FRCP 12(b)(6)  
AND TO STRIKE PRAYER FOR  
PUNITIVE DAMAGES**

Defendants XTO Energy, Inc. and Scott Griffith, by and through their undersigned counsel of record, hereby move pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff Pathfinder Aviation, Inc.'s claims for Negligent Misrepresentation (Count IV) and Violation of the Unfair Trade Practices Act (Count V) as alleged in its First Amended Complaint against Defendants XTO Energy, Inc. and Scott Griffith.

Defendants further move to strike Plaintiff's prayer for punitive damages because there are no viable claims for which punitive damages are available.

*Defendants' Motion to Dismiss Claims for Negligent Misrepresentation  
and Violation of the UTPA Pursuant to FRCP12(b)(6) and to Strike  
Prayer for Punitive Damages*  
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Defendants' motion is supported by the memorandum filed herewith.

Respectfully submitted this 4<sup>th</sup> day of March, 2016 at Anchorage, Alaska.

OLES MORRISON RINKER & BAKER LLP

By: s/Barat M. LaPorte

Barat M. LaPorte, ABA No. 9511064

*Attorneys for Defendants XTO Energy Inc.  
and Scott Griffith*

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2016, a copy of the foregoing document was served electronically on the following:

David K. Gross  
Mara E. Michaletz

OLES MORRISON RINKER & BAKER LLP

s/Barat M. LaPorte

4814-7356-0878, v. 1

**OLES MORRISON RINKER & BAKER LLP**  
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Anchorage, Alaska 99501-2154  
Tel: (907) 258-0106 Fax: (907) 258-5519

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